

pended to take up, on its second reading,

Senate bill No. 293, a bill to be entitled "An act to authorize corporations to engage in the business of becoming surety on bonds, undertakings, recognizances and other obligations, required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge or other public officer, to be made, given, tendered or filed, with surety or sureties, and guaranteeing the refraining from or performance by another of any act, duty or obligation, and to regulate such business, and to repeal chapter XVI, title 21, of the Revised Statutes of the State of Texas."

Bill read second time.

Pending further action,

On motion of Senator Colquitt, the Senate adjourned to 9:30 a. m. to-morrow, by the following vote:

Yeas—13.

Beall.	Stafford.
Boren.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Woods.
Linn of Victoria.	Yantis.
Ross.	

Nays—11.

Bailey.	Linn of Wharton.
Burns.	Morriss.
Goss.	Rogers.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	

Absent.

Atlee.	Neal.
Gough.	Presler.

Excused.

Bowser.	Yett.
Harrison.	

SIXTIETH DAY.

Senate Chamber,

Austin, Tex., Wednesday, March 31.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Colquitt.
Bailey.	Darwin.
Beall.	Dibrell.
Bowser.	Goss.
Burns.	Greer.

Harrison.	Ross.
Kerr.	Stafford.
Lewis.	Terrell.
Linn of Victoria.	Tillett.
Linn of Wharton.	Turney.
Morriss.	Wayland.
Neal.	Yantis.
Rogers.	

Absent.

Boren.	Stone.
Gough.	Woods.
Presler.	Yett.

Prayer by the Chaplain, Rev. F. S. Jackson.

Almighty God: This quiet moment we look up to Thee, for thou alone canst know the motives, anxious yearnings and silent aspirations of the soul. We are emboldened to come to Thee, for we know the answer is ready before we ask. Forgive our sins, restore our souls, and fill us with gladness and contentment. Command Thy blessings upon our State. Guide wisely and safely the Legislature in its deliberations and final actions. Enlighten the minds and perfect the judgments of the judiciary, that its decisions may be clothed with righteousness and justice. Send Thy grace and supply Thy strength to the Chief Executive, Governor Culberson. Vouchsafe to him Thy fatherly care and unerring wisdom, and adorn him with righteousness and heroic fortitude. Reward richly the labors of the toiling masses; foster all useful industries, and strengthen every institution that is for the good of our people. We ask in the name of Christ. Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Rogers,

Senator Bailey was excused for non-attendance from Thursday last to to-day, on account of important business.

On motion of Senator Morriss,

Secretary Will Lambert was excused for non-attendance from Wednesday last to to-day, on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Harrison:

Protest of citizens of Bell county, against the passage of House bill No. 22.

Read and referred to Judiciary Committee No. 1.

By Senator Ross:

Protest of citizens of Lamar county against the passage of Senate bill No. 119 (oleomargarine bill).

Read and referred to the Committee on Public Health.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 31, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 257, a bill to be entitled "An act to amend article 2053 of the Revised Civil Statutes of the State of Texas, relating to property to be set aside to the widow or children of deceased persons and to the validity of liens thereon."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GOSS, Acting Chairman.

Committee Room,
Austin, Texas, March 31, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to Senate bill No. 331, a bill to be entitled "An act to amend article 4550 of chapter 11, of the Revised Statutes of Texas, relating to railroads,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

By striking out on page 2 the words "the district attorney as in other cases," and insert in lieu thereof the following words: "the attorney general of this State."

GOSS, Acting Chairman.

Committee Room,
Austin, Texas, March 30, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 332, a bill to be entitled "An act to amend chapter 4, title 6, of the Penal Code of the State of Texas, by adding thereto article 186a,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,
Austin, Texas, March 31, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 328, a bill to be entitled "An act to provide for ordering an election for the removal of county seats in certain cases."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the rec-
tion, and I am instructed to report back to the Senate substitute Senate bill No. 328, in lieu of Senate bill No. 328, with the recommendation that said substitute bill do pass.

GOSS, Acting Chairman.

Committee Room,
Austin, Texas, March 31, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 183, a bill to be entitled "An act to allow affidavits to be made and recorded on questions of heirship, family history and tradition of deceased persons, and providing for their introduction in evidence in suits and the effect to be given to such evidence."

whom was referred

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GOSS, Acting Chairman.

Committee Room,
Austin, Texas, March 30, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Towns and City Corporations, to whom was referred

House bill No. 612, a bill to be entitled "An act to validate and confirm an ordinance passed by the city council of the city of Laredo, ceding to the United States of America certain streets intersecting land to be purchased by the United States of America for the purpose of providing a new site for the military post or reservation called Fort McIntosh, for the erection of fortifications, and for such other uses as the government of the United States may desire,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 31, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 215, a bill to be entitled "An act to regulate the trial of civil actions for damages for libel, and the damages that may be allowed in such cases."

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,
Austin, Texas, March 31, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 158, a bill to be entitled "An act to amend article 3328 of chapter 4, title 66, of the Revised Statutes of the State of Texas, and article 4651, chapter 3, title 96, of the Revised Statutes of the State of Texas, by providing for the place of record of certain written contracts, for the conditional sale, lease or hire of railroad equipment and rolling stock,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Call concluded.

The Chair laid before the Senate on third reading

House bill No. 162, a bill to be entitled "An act to amend article 193, chapter 1, title 7, of the Penal Code of the State of Texas, relating to disturbance of religious worship."

Bill read third time, and passed.

The Chair laid before the Senate, on second reading,

Substitute House bill No. 90, a bill to be entitled "An act to regulate the practice of dentistry in the State of Texas, and to prescribe penalties for the violation of same, and to provide for appointment of a State Board of Dental Examiners."

Senator Yantis moved to postpone further consideration of the bill till tomorrow.

Senator Harrison moved as a substitute, to indefinitely postpone.

Lost.

The bill was then postponed till tomorrow.

The Chair laid before the Senate, on second reading,

House bill No. 96, a bill to be entitled "An act to provide the mode of furnishing certain supplies to the asylums, and to repeal chapter 3, title IX, of the Revised Civil Statutes of the State of Texas, adopted April 29, 1895."

Bill read second time, and on motion

of Senator Colquitt, postponed till tomorrow after call.

The Chair laid before the Senate, on second reading,

House bill No. 168, a bill to be entitled "An act to punish persons for wilfully turning out or permitting to run at large within a county or subdivision of any county in which the stock law has been adopted, stock not permitted to run at large."

Bill read second time, with adverse majority and favorable minority committee reports.

Senator Woods moved to adopt the minority committee report.

Carried.

By Senator Darwin:

Amend by striking out in line 27 the words "\$200 (two hundred)" and insert "\$50 (fifty)."

Adopted by the following vote:

Yeas—12.

Atlee.	Linn of Wharton.
Burns.	Ross.
Colquitt.	Terrell.
Darwin.	Turney.
Harrison.	Wayland.
Linn of Victoria.	Yantis.

Nays—9.

Beall.	Rogers.
Dibrell.	Stafford.
Greer.	Tillett.
Morriss.	Woods.
Neal.	

Absent.

Bailey.	Kerr.
Boren.	Lewis.
Bowser.	Presler.
Goss.	Stone.
Gough.	

Excused.

Yett.

By Senator Yantis:

Amend by striking out the enacting clause.

Lost.

By Senator Terrell:

Amend by inserting on the 18th line, page 1, after the word "persons," "between February 15 and November 15 of each year."

Lost.

Bill passed to third reading.

The Chair laid before the Senate, on second reading,

House bill No. 262, a bill to be entitled "An act to amend article 3973 of the Revised Civil Statutes of the State of Texas, by adding thereto article 3973e, providing for the issuance of permanent certificates to teachers who have taught five years success-

fully and continuously in one of the public free schools of this State; said certificate to be good for the county of its issuance."

Bill read second time, with adverse majority and favorable minority committee reports.

Senator Beall moved to indefinitely postpone consideration of the bill.

Senator Colquitt moved as a substitute that the minority report be adopted.

Senator Beall made the point of order that the substitute motion was not in order, because of not being germane.

Sustained.

The bill was then indefinitely postponed by the following vote:

Yeas—15.

Atlee.	Neal.
Bailey.	Rogers.
Beall.	Ross.
Bowser.	Stafford.
Goss.	Terrell.
Greer.	Turney.
Linn of Victoria.	Woods.
Morriss.	

Nays—9.

Burns.	Kerr.
Colquitt.	Linn of Wharton.
Darwin.	Wayland.
Dibrell.	Yantis.
Harrison.	

Present, not voting.

Lewis.

Absent.

Boren.	Stone.
Gough.	Tillett.
Presler.	

Excused.

Yett.

Senator Beall moved to reconsider the vote by which the bill was indefinitely postponed, and to lay that motion on the table.

Tabled.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 291, a bill to be entitled "An act to amend subdivision 15 of article 22, of the Revised Civil Statutes of the State of Texas, relating to the time of holding the terms of the district court in the Fifteenth judicial district of Texas, passed by the Twenty-fourth Legislature in the year 1895, and to repeal all laws in conflict with this act,"

And

Senate bill No. 288, a bill to be entitled "An act to authorize the Gulf,

Colorado and Santa Fe Railway Company to purchase the Texas, Louisiana and Eastern Railroad, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as a part of its own line, with the right to extend the same and construct branches therefrom, by amendment of its charter under the general laws of the State of Texas,"

(Senator Bailey in the chair.)

The Chair laid before the Senate, on second reading,

House bill No. 346, a bill to be entitled "An act to transfer Red River and Fayette counties from the district school system to the community school system, and to authorize and empower the said counties to organize and conduct all of their public free schools under the community system, as provided for by the laws now in force."

Bill read second time, and passed to third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Bowser.	Neal.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Greer.	Stone.
Harrison.	Terrell.
Lewis.	Turney.
Linn of Victoria.	Woods.

Nays—1.

Yantis.

Absent.

Beall.	Kerr.
Boren.	Presler.
Burns.	Tillett.
Goss.	Wayland.
Gough.	

Excused.

Yett.

Bill read third time, and passed by the following vote:

Yeas—22.

Atlee.	Kerr.
Bailey.	Lewis.
Beall.	Linn of Victoria.
Bowser.	Linn of Wharton.
Darwin.	Morriss.
Dibrell.	Neal.
Goss.	Ross.
Greer.	Stafford.
Harrison.	Stone.

Terrell. Woods.
Turney. Yantis.

Nays—1.

Rogers.

Absent.

Boren. Presler.
Burns. Tillett.
Colquitt. Wayland.
Gough.

Excused.

Yett.

Senator Darwin moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

The Chair laid before the Senate, on second reading,

House bill No. 404, a bill to be entitled "An act to transfer Grimes county from a community school system to a district school system."

Bill read second time.

Senator Neal moved that the further consideration of the bill be indefinitely postponed, stating that Mr. Brigrance of the House (author of the bill) concurred with him in the motion.

Indefinitely postponed.

(Lieutenant Governor Jester in the chair.)

The Chair laid before the Senate, on second reading,

House bill No. 413, a bill to be entitled "An act to amend article 3384, title 69, Revised Civil Statutes of the State of Texas, relating to local option."

The bill was read second time.

By Senator Lewis:

Amend article 3384, line 22, by striking out the word "at," and insert in lieu thereof the word "of."

Adopted.

By Senator Stafford:

Amend by adding in line 8, page 2, after the word "precincts," "or town or city."

Adopted.

By Senator Stafford:

Amend typographical error in line 13, page 2, by changing "said city" to "no city."

Adopted.

By Senator Stafford:

Amend by adding in line 8, page 2, after the word "precinct," "or town or city."

Adopted.

By Senator Colquitt:

Amend by inserting after the word

"precincts," in line 23, the following: "school districts."

Adopted.

By Senator Darwin:

Amend by striking out all of section 1, on page 2, after the word "election," in line 12.

By Senator Greer:

Substitute the amendment as follows: Strike out all the words between and including the word "provided," in line 12, and "precinct," line 13, and insert the following: "Provided, no city or town, or election precinct or school district which does not contain a city or town."

Adopted.

The amendment as substituted was adopted.

By Senator Colquitt:

Amend by striking out in lines 22 and 23 the words "or election."

Adopted.

By Senator Colquitt:

Amend by striking out the words "or election precincts" wherever they occur in the bill.

Adopted.

Senator Terrell moved that further consideration of the bill be postponed till to-morrow.

Lost by the following vote:

Yeas—10.

Atlee.	Morriss.
Beall.	Ross.
Darwin.	Terrell.
Goss.	Tillett.
Harrison.	Woods.

Nays—17.

Bailey.	Linn of Wharton.
Bowser.	Neal.
Burns.	Rogers.
Colquitt.	Stafford.
Dibrell.	Stone.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Linn of Victoria.	

Absent.

Boren.	Presler.
Gough.	

Excused.

Yett.

Bill as amended passed to third reading.

Senator Colquitt moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be put on its third reading and final passage.

Senator Goss made the point of order that the motion could not be enter-

tained for the reason that the bill did not contain the proper emergency clause.

Sustained.

The Chair gave notice of signing, and did sign after their captions had been read.

House bill No. 457, entitled "An act to amend sections 1 and 21 of an act entitled 'An act to incorporate the city of Waco and to define its boundaries and powers,' being chapter 17 of an act of the Legislature of 1889, by defining the powers of the city council to regulate the opening of business houses on Sunday."

House bill No. 387, entitled "An act to restore and confer upon the county court of Orange county the criminal jurisdiction heretofore belonging to it under the Constitution and General Statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act."

House bill No. 633, entitled "An act to amend section 42 of article 22, of the Revised Civil Statutes of the State of Texas, adopted and approved March 5, 1895, providing for the reorganization of the Forty-second Judicial District, and to fix the time of holding court therein."

And

House bill No. 443, entitled "An act to create a more efficient road system for Hopkins county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the roads of said county, and providing for officers' and witness fees, and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the county convict farm, as well as upon the public roads, or partly upon both, in the discretion of the Commissioners Court, and making provisions of act applicable, as far as practicable, to convicts when worked on county farm; and to provide for the manner of training hedges along any public road; and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act as to Hopkins county, and providing for the working of delinquent

poll-tax payers, and prescribing a penalty for failure to work public roads in payment of poll-tax by said delinquent poll-tax payers."

The Chair laid before the Senate, on second reading,

House bill No. 473, a bill to be entitled "An act to restore to and confer upon the county court of Leon county the civil and criminal jurisdiction heretofore belonging to said county court under the Constitution and General Statutes of the State, and to conform the jurisdiction of the district court of said county to such change."

Bill read second time, and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—23.

Atlee.	Morriss.
Beall.	Neal.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Stone.
Goss.	Terrell.
Greer.	Tillett.
Harrison.	Turney.
Kerr.	Wayland.
Linn of Victoria.	Woods.
Linn of Wharton.	

Nays—none

Absent.

Bailey.	Lewis.
Boren.	Presler.
Dibrell.	Yantis.
Gough.	

Excused.

Yett.

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Morriss.
Bailey.	Neal.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Goss.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Linn of Victoria.	

Nays—none.

Absent.

Boren.	Gough.
Dibrell.	Harrison.

Lewis. Stafford.
Linn of Wharton. Yantis.
Presler.

Excused.

Yett.

The Chair laid before the Senate, on second reading,

House bill No. 563, a bill to be entitled "An act to amend section 6 of chapter 132 of the acts of the Twenty-fourth Legislature of the State of Texas, passed at the regular session thereof, and entitled 'An act to create a more efficient road system for Dallas, Lamar and Medina counties, Texas, and making county commissioners of said counties ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the duties and powers of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said counties, and providing for officers' fees, and to provide for the summoning of teams for roads, and allowance of time of service for same on roads, and fixing a penalty for violation of this act, and to repeal all laws in conflict with this act.'"

Bill read second time, and

On motion of Senator Bowser, was postponed until to-morrow.

The Chair laid before the Senate, on second reading,

House bill No. 612, a bill to be entitled "An act to validate and confirm an ordinance passed by the city council of the city of Laredo, ceding to the United States of America certain streets intersecting land to be purchased by the United States of America for the purpose of providing a new site for the military post or reservation called Fort McIntosh, for the erection of fortifications and for such other uses as the government may desire."

Bill read second time, and passed to third reading.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, March 31, 1897.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following resolution:

Senate joint resolution No. 8, to amend section 3 of article 11, of the Constitution of the State of Texas,"

With amendments.

Also of the appointment of the following free conference committee on House bill No. 107: Messrs. Reubell, Williams, Lillard, O'Connor and Moore of Lamar.

Also, that the House requests the Senate to return Senate joint resolution No. 8 for correction and addition of House amendments.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

On motion of Senator Atlee, the above request was granted.

The Chair laid before the Senate, on second reading,

House bill No. 176, a bill to be entitled "An act to quiet titles to lands located and surveyed by virtue of land certificates granted under the act of the Legislature of the State of Texas, entitled an act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or of the Confederate States, a certificate for 1280 acres of land, approved April 9, 1881, and to validate patents issued on such locations and surveys."

Bill read second time, with favorable majority and adverse minority reports..

On motion of Senator Turney, the bill was laid on the table, subject to call.

On motion of Senator Stafford, the Senate adjourned to 3 p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

(Lieutenant Governor Jester in the chair.)

Roll called.

No quorum, the following Senators answering to their names:

Atlee.	Neal.
Bowser.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Greer.	Terrell.
Harrison.	Tillett.
Kerr.	Turney.
Lewis.	Wayland.
Linn of Victoria.	Woods.
Morriss.	Yantis.

Absent.

Bailey.	Boren.
Beall.	Burns.

Dibrell.	Linn of Wharton.
Goss.	Presler.
Gough.	Stone.

Excused.

Yett.

Senator Turney moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Beall.	Morriss.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Goss.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.

Absent.

Bailey.	Linn of Wharton.
Boren.	Neal.
Dibrell.	Presler.
Gough.	Stone.

Excused.

Yett.

Quorum present.

The Chair laid before the Senate, on second reading,

Senate bill No. 293, a bill to be entitled "An act to authorize corporations to engage in the business of becoming surety on bonds, undertakings, recognizances and other obligations required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge or other public officer, to be made, given, tendered or filed, with surety or sureties, and guaranteeing the refraining from or performance by another, of any act, duty or obligation, and to regulate such business, and to repeal chapter XVI, title 21, of the Revised Statutes of the State of Texas,"

Action being on engrossment.

Bill ordered engrossed, by the following vote:

Yeas—19.

Bailey.	Neal.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Goss.	Tillett.
Greer.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yantis.
Morriss.	

Nays—5.

Atlee.	Harrison.
Colquitt.	Terrell.
Darwin.	

Absent.

Boren.	Linn of Wharton.
Dibrell.	Presler.
Gough.	Stone.

Excused.

Yett.

Senator Rogers moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be put upon its third reading and final passage.

Lost by the following vote (requiring four-fifths):

Yeas—16.

Bailey.	Linn of Victoria.
Beall.	Morriss.
Bowser.	Rogers.
Burns.	Stafford.
Goss.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.

Nays—6.

Colquitt.	Ross.
Darwin.	Terrell.
Harrison.	Tillett.

Absent.

Atlee.	Linn of Wharton.
Boren.	Neal.
Dibrell.	Presler.
Gough.	Stone.

Excused.

Yett.

Senator Stafford moved to suspend the regular order of business, to take up, on second reading,

Senate bill No. 273, a bill to be entitled "An act to regulate chattel mortgages and trust deeds executed by an insolvent debtor for the purpose of securing preferred creditors, and to punish fraudulent debtors and fraudulent preferred creditors."

Lost by the following vote (requiring two-thirds):

Yeas—11.

Bailey.	Stafford.
Darwin.	Terrell.
Kerr.	Wayland.
Morriss.	Woods.
Neal.	Yantis.
Rogers.	

Nays—12.

Beall.	Harrison.
Bowser.	Lewis.
Burns.	Linn of Victoria.
Colquitt.	Ross.
Goss.	Tillett.
Greer.	Turney.

Absent.

Atlee.	Linn of Wharton.
Boren.	Presler.
Dibrell.	Stone.
Gough.	

Excused.

Yett.

Senator Colquitt moved to suspend the regular order of business, to take up, on second reading,

Senate bill No. 253, a bill to be entitled "An act to amend chapter 13, title XCIV, of the Revised Civil Statutes of the State of Texas, by adding articles 4568a and 4568b."

Lost by the following vote (requiring two-thirds):

Yeas—13.

Atlee.	Morriss.
Beall.	Terrell.
Bowser.	Tillett.
Colquitt.	Turney.
Darwin.	Wayland.
Goss.	Woods.
Harrison.	

Nays—8.

Burns.	Neal.
Greer.	Rogers.
Lewis.	Ross.
Linn of Victoria.	Stafford.

Absent.

Bailey.	Linn of Wharton.
Boren.	Presler.
Dibrell.	Stone.
Gough.	Yantis.
Kerr.	

Excused.

Yett.

Senator Greer moved to suspend the regular order of business, to take up, on second reading,

Senate bill No. 325, a bill to be entitled "An act to amend chapter 3, title 17, of the Penal Code of the State of Texas, adopted at the regular session of the Twenty-fourth Legislature, 1895, by adding thereto article 795a, defining the offense of cutting dams, dikes, levees and reservoirs constructed and maintained within this State for agricultural purposes, and providing a penalty therefor."

Lost by the following vote (requiring two-thirds):

Yeas—12.

Bailey.	Rogers.
Bowser.	Terrell.
Darwin.	Tillett.
Goss.	Turney.
Greer.	Wayland.
Lewis.	Woods.
Morriss.	

Nays—9.

Beall.	Linn of Victoria.
Burns.	Neal.
Colquitt.	Ross.
Harrison.	Stafford.

Absent.

Atlee.	Linn of Wharton.
Boren.	Presler.
Dibrell.	Stone.
Gough.	-antis.
Kerr.	

Excused.

Yett.

The Chair laid before the Senate, on second reading,

Senate bill No. 149, a bill to be entitled "An act to amend article 3893 of the Revised Civil Statutes of the State of Texas, relating to the investment of the permanent school fund,"

Action being on the adoption of the following committee amendment:

Amend by inserting in article 3893, after the words "and such board of education may decline to purchase the same unless satisfied they are safe and proper investments for such funds," the following, "and no bonds shall be purchased as an investment for the permanent free school fund that do not bear interest at the rate of 5 per cent per annum."

The committee amendment was adopted.

(Senator Tillett in the chair.)

By Senator Ross:

Amend by striking out all between the word "education," in line 22, on page 1, and the word "treat," line 23, and insert the word "shall;" and strike out all after the word "due," in line 24, down to the word "and," in line 25.

Lost.

By Senator Beall:

Amend by inserting in committee amendment after the words "the rate of," the words "at least."

Adopted.

By Senator Darwin:

Amend by adding to section 1 the following: "Only the interest first derived from such bonds shall be turned back into the treasury, and be placed to the credit of the permanent school fund, until the premium so paid on said bonds shall be returned to the said permanent fund."

Lost.

(Lieutenant Governor Jester in the chair.)

By Senator Lewis:

Amend by striking out "5 per cent" in the committee amendment, and in-

sert in lieu thereof "4 per cent," and add, after the words "per annum," at the end of the committee amendment, the following: "Nor shall the amount paid for any such bonds exceed the par or face value thereof."

By Senator Goss:

Amend the amendment by striking out the words "nor shall the amount paid for any such bonds exceed the par or face value thereof."

Lost.

The amendment (Lewis') was then lost by the following vote:

Yeas—10.

Atlee.	Linn of Wharton.
Colquitt.	Morriss.
Darwin.	Stone.
Lewis.	Tillett.
Linn of Victoria.	Turney.

Nays—14.

Bailey.	Kerr.
Beall.	Neal.
Bowser.	Rogers.
Burns.	Ross.
Goss.	Stafford.
Greer.	Terrell.
Harrison.	Woods.

Absent.

Boren.	Presler.
Dibrell.	Wayland.
Gough.	Yantis.

Excused.

Yett.

The bill was then ordered engrossed by the following vote:

Yeas—15.

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Neal.
Bowser.	Rogers.
Burns.	Terrell.
Goss.	Tillett.
Greer.	Turney.
Kerr.	

Nays—8.

Colquitt.	Morriss.
Darwin.	Ross.
Harrison.	Stone.
Lewis.	Woods.

Absent.

Boren.	Stafford.
Dibrell.	Wayland.
Gough.	Yantis.
Presler.	

Excused.

Yett.

I vote no on the engrossment of Senate bill No. 149, for the reason that I believe it to be a diversion of

the permanent school fund, which is prohibited by article 7, section 5, of the Constitution. DARWIN.

I vote no on Senate bill No. 149, because the premium that would be bid for bonds would have to be paid out of either the permanent or available school fund. The bill seems to contemplate that such premium should be paid out of the permanent fund. The Constitution provides how the permanent fund shall be invested; it also provides how the available fund shall be used; it then prohibits any other use, as follows: "And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever." If either fund should bear the cost of premiums bid to secure safe 5 per cent bonds, it clearly is the available fund, because that fund secures the benefit. The permanent fund would not only not secure any benefit, but would necessarily, in each case where a premium is bid, suffer a depletion, to the extent of the premium bid. If \$105,000 were bid for a bond issue of \$100,000, the permanent fund would lose \$5000, because in no event could the county pay more than \$100,000, the face of the bonds. In this way, by successive investments, the permanent fund would be seriously depleted. I believe the Constitution contemplates that the permanent school fund should always be kept intact, and that it should not pay a premium for the privilege of being invested. LEWIS.

By consent, the following bills were introduced:

By Senator Bailey:

Senate bill No. 333, a bill to be entitled "An act to provide for the Comptroller of the State of Texas to prescribe a uniform system of assessment blanks and tax rolls for the various counties, etc., and to amend article 2839, title 52, of the Revised Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Bowser:

Senate bill No. 334, a bill to be entitled "An act to regulate the business of building and loan associations, and to define the conditions under which they shall be permitted to do business within the State of Texas, and to provide pains and penalties for the violation of the provisions of this act."

Read first time and referred to Committee on State Affairs.

Senator Atlee called up Senate joint resolution No. 8, a resolution to amend section 3, article XI, of the Constitution of the State of Texas, relating to subsidizing of railroads by counties now without railroads.

Which had passed the House with amendments, and moved that the Senate do not concur in said amendments, and that a free conference committee be appointed.

Carried, and the Chair appointed as the committee on part of the Senate Senators Atlee, Turney, Burns, Rogers and Lewis.

The Chair announced, also, the following committee, on part of the Senate, to consider the differences of the two houses on

House bill No. 107, a bill to be entitled "An act to define and prevent cold storage in a local option county, precinct, city, town or subdivision of a county, and to affix a penalty for running, keeping or maintaining them in such county, city, town or subdivision,"

Senators Colquitt, Woods, Beall, Goss and Dibrell.

On motion of Senator Turney, the regular order of business was suspended to take up on its third reading,

Senate bill No. 121, a bill to be entitled "An act to amend article 5051 of the Revised Civil Statutes of 1895, relating to county warrants, and to repeal article 1118 of the Code of Criminal Procedure, and prohibiting the payment of county warrants and jury scrip upon taxes, except in the order of their registration."

Bill read third time, and passed by the following vote:

Yeas—18.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Neal.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Goss.	Tillett.
Kerr.	Turney.
Lewis.	Woods.

Nays—5.

Darwin.	Linn of Wharton.
Greer.	Rogers.
Harrison.	

Absent.

Boren.	Stafford.
Dibrell.	Wayland.
Gough.	Yantis.
Presler.	

Excused.

Yett.

Senator Tillett moved to reconsider the vote by which the Senate refused to suspend the constitutional rule as to

Senate bill No. 293, a bill to be entitled "An act to authorize corporations to engage in the business of becoming surety on bonds, undertakings, recognizances and other obligations required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge or other public officer, to be made, given, tendered or used, with surety or sureties, and guaranteeing the refraining from or performance by another, of any act, duty or obligation, and to regulate such business, and to repeal chapter XVI, title 21, of the Revised Statutes of the State of Texas."

Reconsidered.

Action then being on the motion to suspend said rule, and put the bill on third reading and final passage, the same failed by the following vote (requiring four-fifths):

Yeas—18.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Neal.
Burns.	Rogers.
Goss.	Stafford.
Greer.	Stone.
Kerr.	Tillett.
Lewis.	Turney.
Linn of Victoria.	Yantis.

Nays—6.

Colquitt.	Ross.
Darwin.	Terrell.
Harrison.	Woods.

Absent.

Boren.	Gough.
Bowser.	Presler.
Dibrell.	Wayland.

Excused.

Yett.

On motion of Senator Colquitt, the regular order of business was suspended to take up, on its third reading,

Senate bill No. 117, a bill to be entitled "An act to amend articles 1494, 1495, 1496, of the Revised Civil Statutes of the State of Texas, relating to auditors."

Bill read third time, and passed.

On motion of Senator Goss, the regular order of business was suspended, to take up, on second reading,

Senate bill No. 207, a bill to be entitled "An act to repeal article 2557 of

the Revised Civil Statutes of the State of Texas, relating to the sale of real estate in Texas belonging to non-resident wards, and the removal of the proceeds beyond the State."

Bill read second time, and ordered engrossed.

On motion of Senator Bailey,

Senate bill No. 264, a bill to be entitled "An act to amend article 944 of chapter 17, Revised Statutes, Penal Code, relating to swindling, by substituting for section 4 a section so as to include within the term "swindling" the obtaining of personal property by means of false statement or misrepresentation as to financial worth, assets or resources, and adding section 5, providing that offenses not specifically enumerated under this article shall, nevertheless, be an offense, if within the reasonable and fair definition of the term 'swindling,'"

Was made special order for Friday, April 2, after call, and from day to day.

On motion of Senator Ross, the regular order of business was suspended to take up on its second reading,

Senate bill No. 193, a bill to be entitled "An act to amend article 4308, title XC, of the Revised Civil Statutes of the State of Texas, relating to public weighers."

The bill was read second time.

By Senator Darwin:

Amend by adding the following after the word "thereof," in line 26, and before the word "all": "Provided, such weigher shall receive no compensation for such services."

By Senator Colquitt:

Substitute the amendment as follows:

Amend by striking out all after the word "weighers," in line 23, down to and including the word "thereof," in line 26.

Adopted.

Amendment as substituted adopted.
Bill as amended ordered engrossed.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, March 31, 1897.

Hon. George T. Jester, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for a free conference committee on Senate joint resolution No. 8, and the following committee has been named on

the part of the House: Messrs. Bailey, Bell, Turner, Blair, Seabury.

Also, to inform the Senate of the return of Senate joint resolution No. 8, which was withdrawn by the House from the Senate for correction.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 31, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 296, a bill to be entitled "An act to amend chapter 14, of title 86, of the Revised Civil Statutes of 1895, by adding after article 3993b a new article, to be numbered 3993c, providing for the organization of school districts in community counties and validating such districts heretofore organized,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEALL, Acting Chairman.

The following committee reports were made:

Committee Room,

Austin, Texas, March 31, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 291, a bill to be entitled "An act to amend subdivision 15 of article 22, of the Revised Civil Statutes of the State of Texas, relative to the time of holding the terms of the district court in the Fifteenth judicial district of Texas, passed by the Twenty-fourth Legislature in the year 1895, and to repeal all laws and parts of laws in conflict with this act."

And find the same correctly enrolled, and have this day, at 4:10 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, March 31, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 288, a bill to be entitled "An act to authorize the Gulf,

Colorado and Santa Fe Railway Company to purchase the Texas, Louisiana and Eastern Railroad, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as a part of its own line, with the right to extend the same, and to construct branches therefrom by amendment of its charter under the general laws of the State of Texas."

And find the same correctly enrolled, and have this day, at 4:10 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

On motion of Senator Kerr, the Senate adjourned to 10 o'clock a. m. to-morrow.

SIXTY-FIRST DAY.

Senate Chamber,

Austin, Tex., Thursday, April 1.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Neal.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Stone.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	

Absent.

Boren. Rogers.
Presler.

Excused.

Yett.

Prayer by the Rev. Dr. Lowbet, of Austin:

We thank God for all institutions calculated to advance a true civilization for the home, the church, and the nation. We especially thank the Heavenly Father that we live in the midst of a high Christian civilization. We ask the blessing of God upon the great State of Texas; upon all departments of the government; and especially upon the legislative department. May all be conscientious in

their work, and may the laws passed be for the good of the people in our great State: We ask in the name of Christ, our precious Savior. Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Harrison, the same was dispensed with.

On motion of Senator Yantis,

Senator Gough was excused for non-attendance on Monday, Tuesday and Wednesday last, on account of important business.

On motion of Senator Morriss,

Senator Rogers was excused for today, on account of sickness.

On motion of Senator Burns,

Senator Atlee was excused for non-attendance on Friday last, on account of important business.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 31, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

House bill No. 79, a bill to be entitled "An act to prevent immoral publications and to prevent the sale and distribution of such publications, making a violation thereof a felony, prescribing penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, March 31, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

House bill No. 40, a bill to be entitled "An act to repeal article 1277, and to amend article 1278 of the Revised Statutes of the State of Texas, relating to continuances."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be referred to Judiciary Committee No. 1.

STAFFORD, Chairman.

Report so referred.

Committee Room,

Austin, Texas, March 31, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 426, a bill to be enti-